

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN and BTA
BANK JSC,

Crossclaim Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR
KHRAPUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV S.A.,

Crossclaim Defendants.

15 Civ. 5345 (AJN) (SN)

DECLARATION OF MATTHEW L. SCHWARTZ

MATTHEW L. SCHWARTZ, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am an attorney in the law firm of Boies Schiller Flexner LLP, counsel for Crossclaim-Plaintiffs BTA Bank and the City of Almaty, Kazakhstan (the “Kazakh Entities”) in the above-referenced action. I make this declaration based on my personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of a judgment of the Hon. Judge Waksman of the High Court of Judgment, Business and Property Courts of England and Wales, in *JSC BTA Bank v Ilyas Khrapunov*, dated June 21, 2018 and handed down on or about August 21, 2018.

3. Attached hereto as Exhibit B is a true and correct copy of a judgment of the United Kingdom Supreme Court in *JSC BTA Bank v Ilyas Khrapunov*, [2018] UKSC 19 (Hilary Term), dated March 21, 2018.

4. Attached hereto as Exhibit C is a true and correct copy of a judgment of the Hon. Justice Phillips of the United Kingdom High Court of Justice, Queen’s Bench Division, Commercial Court, in *JSC BTA Bank v. Ilyas Khrapunov*, dated January 20, 2016.

5. Attached hereto as Exhibit D is a true and correct copy of an order of the Hon. Judge Waksman of the High Court of Judgment, Business and Property Courts of England and Wales in *JSC BTA Bank v Ilyas Khrapunov*, dated June 21, 2018 and handed down on or about August 21, 2018.

6. Attached hereto as Exhibit E is a true and correct copy of the Kazakh Entities’ proposed Third Amended Crossclaims.

7. Attached hereto as Exhibit F is a true and correct copy of a comparison of the Kazakh Entities' proposed Third Amended Crossclaims with the current operative pleading in this action, the Second Amended Crossclaims.

8. Attached hereto as Exhibit G is a true and correct copy of an e-mail received by counsel for the Kazakh Entities from Andrew Solomon, counsel for Ilyas Khrapunov in this action, on October 2, 2018.

Dated: New York, New York
January 7, 2019

/s/ Matthew L. Schwartz
Matthew L. Schwartz